

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CRAIG P. ELLIS,

Plaintiff,

v.

No. 11-cv-0379 WJ/SMV

**BERNALILLO COUNTY METROPOLITAN
DETENTION CENTER et al.,**

Defendants,

and

CRAIG P. ELLIS,

Plaintiff,

v.

No. 11-cv-0582 WJ/SMV

RAMON RUSTIN et al.,

Defendants.

**ORDER DENYING MOTION FOR DEFAULT JUDGMENT AND
ORDERING DEFENDANTS TO SERVE PLAINTIFF WITH THE MARTINEZ REPORT**

THIS MATTER is before the Court on Plaintiff's Motion for Default Judgement [sic] for Defendants[''] Failure to Comply with [the] Order in Doc #72 . . . [Doc. 74], filed on November 27, 2012. Plaintiff requests sanctions in the form of default judgment against Defendants for failing to timely serve him with a copy of the *Martinez* Report. Motion [Doc. 74] at 1. The Court, being fully advised in the premises, finds that default judgment is not appropriate in this circumstance and will deny the Motion.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion for Default Judgement [sic] for Defendants['] Failure to Comply with [the] Order in Doc #72 . . . [Doc. 74] is **DENIED**.

IT IS FURTHER ORDERED that Defendants shall serve the *Martinez* report on Plaintiff within 15 days of the date of this order. Plaintiff will have 45 days from the date of this order to respond. Defendants' deadline to reply remains unchanged. *See* Order Directing Submission of Martinez Reports [Doc. 72] at 5.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge